

LOWELL DECL. EX. 14

July 28, 2021

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SHABTAI SCOTT SHATSKY, individually and as
personal representative of the Estate of
Keren Shatsky, J. ANNE SHATSKY, individually
and as personal representative of the Estate
of Keren Shatsky, TZIPPORA SHATSKY SCHWARZ,
YOSEPH SHATSKY, SARA SHATSKY TZIMMERMAN,
MIRIAM SHATSKY, DAVID RAPHAEL SHATSKY,
GINNETTE LANDO THALER, individually and as
personal representative of the Estate of
Rachel Thaler, LEOR THALER, ZVI THALER,
ISAAC THALER, HILLEL TRATTNER, RONIT
TRATTNER, ARON S. TRATTNER, SHELLEY
TRATTNER, EFRAT TRATTNER, HADASSA DINER,
Yael Hillman, STEVEN BRAUN, CHANA FRIEDMAN,
ILAN FRIEDMAN, MIRIAM FRIEDMAN, YEHIEL
FRIEDMAN, ZVI FRIEDMAN, and BELLA FRIEDMAN,

Plaintiffs,

-against-

THE PALESTINIAN LIBERATION ORGANIZATION
and THE PALESTINIAN AUTHORITY (a/k/a
"The Palestinian Interim Self-Government
Authority" and/or "The Palestinian National
Authority"),

Defendants.

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Case No. 18-Civ. 12355

** CONFIDENTIAL **

CONTINUED REMOTE VIDEOTAPED DEPOSITION OF

ABDEL JABBAR SALEM

Wednesday, July 28, 2021

Reported by JEFFREY BENZ, CRR, RMR

JOB NO. 366126

July 28, 2021

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July 28, 2021

11:36 UTC

Videotaped Deposition of ABDEL JABBAR SALEM,
taken remotely, before Jeffrey Benz, a Certified
Realtime Reporter, Registered Merit Reporter and
Notary Public of the State of New York.

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A P P E A R A N C E S: (Ctd.)

ALSO PRESENT:

ELIZABETH V. BEZVERKHA, Cohen & Gresser

HADOOR AL AMIRI, Arabic Interpreter

COREY WAINAINA, Videographer

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2 THE VIDEOGRAPHER: Good morning,
3 everyone. We are now on the record.
4 Participants should be aware that this
5 proceeding is being recorded; and as such,
6 all conversations held will be recorded
7 unless there is a request and agreement to
8 go off the record.

9 This is the remote video-recorded
10 deposition of Abdel Jabbar Salem. Today is
11 Wednesday, July 28, 2021.

12 The time is now 11:36 UTC time.

13 We are here in the matter of Shatsky
14 versus PLO. My name is Corey Wainaina,
15 remote video technician on behalf of U.S.
16 Legal Support, located at 90 Broad Street,
17 New York, New York. I'm not related to any
18 party in this action, nor am I financially
19 interested in the outcome.

20 At this time will the reporter,
21 Jeff Benz, on behalf of U.S. Legal Support,
22 please enter the statement for remote
23 proceedings into the record.

24 THE COURT REPORTER: The attorneys
25 participating in this deposition

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acknowledge that I am not physically present in the deposition room and that I will be reporting this deposition remotely.

They further acknowledge that, in lieu of an oath administered in person, I will administer the oath remotely. The parties and their counsel consent to this arrangement and waive any objections to this manner of reporting. Please indicate your agreement by stating your name and your agreement on the record.

Counsel?

MS. MAXMAN: Melissa Maxman on behalf of plaintiffs. I...

MR. BERGER: Mitchell Berger on behalf of defendants. We agree.

HADEER AL AMIRI,

was duly sworn to translate from English into Arabic and from Arabic into English.

ABDEL JABBAR SALEM,

called as a witness, having been first duly sworn by Jeffrey Benz, a Notary Public within and for the State of New York, was examined and testified as

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2 follows:

3 THE COURT REPORTER: You may proceed.

4 MS. MAXMAN: Okay. Thank you.

5 EXAMINATION BY MS. MAXMAN:

6 Q. Good morning -- or afternoon,
7 Mr. Salem. We are continuing the deposition
8 from yesterday. I would like to remind you that
9 you, again, are under oath.

10 A. Good afternoon. Yes, you are right.

11 Q. And is there any reason that you are
12 physically or mentally unable to testify
13 truthfully and accurately today?

14 A. No, there is not.

15 MS. MAXMAN: Okay. Elizabeth, let's
16 turn to the last page of this exhibit, and
17 now I'm using what has been previously
18 marked as Exhibit 4. No. The very, very
19 last, JD 266.

20 Q. And for the record, Mr. Salem, this is
21 the salary statement that we looked at yesterday
22 for Mr. Abu Warda.

23 Do you recall that?

24 A. Yes. Correct. I remember that.

25 Q. And I'll turn your attention to the

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2 far left, the salary amounts paid monthly.

3 And my question to you is, the first
4 two entries are 7132.3 shekels, but then the
5 third is 7532.20. And it returns to 7132 for
6 several months and then goes back up to 75. My
7 question is, why does the salary change from
8 month to month?

9 A. First of all, it's allocations, not
10 salaries. And that is valuable that that may
11 change. There is maybe a whole order on the
12 payment. There may be a quote order. There may
13 be one of the children who reached the age and
14 was executed from the allocation. So there is
15 certain variables that determines the amount
16 paid.

17 Q. I understand that the amount can
18 decrease if, for example, a child reaches the
19 age of majority. But what would cause an amount
20 to increase by 400 shekels, as it does from
21 Month 5 of 2020 to Month 6 of 2020.

22 THE INTERPRETER: I'm sorry, ma'am.

23 Can you repeat the last statement.

24 Q. I think I said, why -- what would
25 cause an amount to increase by 400 shekels, as

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2 it does from Month 5 to Month 6, in 2020?

3 A. Yes. There is two extra payments, or
4 allocations, paid to the prisoner for buying
5 clothes. And this is paid, I think, twice a
6 year.

7 Q. Why -- strike that.

8 What is the difference between an
9 allocation and a salary?

10 A. The salary is paid for the government
11 employees, all workers, and the Palestinian
12 authorities. It's regulated. And it also
13 depends on variables. It's continuous, while
14 allocations is paid for the family of the
15 prisoner.

16 And it may be -- or it also is
17 affected by variables, and it may be
18 discontinued, and paid if the prisoner is in
19 prison for less than five years, while the
20 salary is continuous. And there is deductions
21 from the salaries for living expenses and
22 retirement.

23 Q. As we discussed yesterday, Mr. Abu
24 Warda is in prison and, therefore, receives an
25 allocation; is that correct?

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2 THE INTERPRETER: I'm sorry, ma'am.

3 Can you repeat that. You're breaking up.

4 Q. As we discussed yesterday, Mr. Abu
5 Warda is in prison and, therefore, receives an
6 allocation. Correct?

7 A. His family receives the allocations
8 because he's prison -- in prison.

9 Q. And you testified yesterday that he
10 was in prison because of a political or security
11 issue. Is that correct?

12 A. Yes.

13 Q. What is the nature of Mr. Abu Warda's
14 political or security offense?

15 A. Attached to the papers is the
16 indictment from the Israeli authorities, and let
17 me look at the papers to make sure it states
18 that it's either security or political.

19 This is the indictment list. It's
20 from page 1120 up until 1142.

21 MS. MAXMAN: And that's on Tab 9,
22 which is Exhibit 5, for the record.

23 THE COURT REPORTER: Mr. Interpreter
24 may I ask for a clarification?

25 (Clarification sought.)

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2 Q. Are you looking right now at the
3 indictment?

4 A. Yes, I'm looking at it.

5 Q. Is it translated into a language that
6 you can understand?

7 A. No.

8 Q. Are you now, today, aware of the
9 contents of the indictment?

10 THE INTERPRETER: I'm sorry. Just to
11 clarify one thing.

12 (Interpreter spoke to the witness.)

13 A. I cannot read the Hebrew language.

14 And it's not translated. It's given
15 and it's studied, or inspected, by the attorneys
16 and used. But I cannot understand the Hebrew
17 language. It's studied or inspected by the
18 attorneys and the Prisoners Affairs.

19 Q. Have you been informed by your
20 attorneys what is in this document?

21 THE INTERPRETER: I'm sorry, ma'am.

22 Can you repeat that.

23 Q. Have you been informed by your
24 attorneys about the contents of the indictment?

25 A. Yes. They told me that this is a list

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2 of indictment regarding Prisoner Mohammed Abu
3 Warda. And on that basis, it is taken in
4 consideration for the allocation. And it's on a
5 political -- his crime is a political or
6 security background. Giving a notice that they
7 don't keep a copy.

8 Q. Is it your understanding, on behalf of
9 the Palestinian Authority, that Mr. Abu Warda is
10 in prison for the crimes described in the
11 indictment?

12 A. Yes, correct, according to the list of
13 indictment from the Israeli military code.

14 Q. And Mr. Abu Warda's beneficiary
15 receives an allocation because of his
16 imprisonment for crimes; is that correct?

17 A. Because of the presence in prison and
18 the accusations that were accused from the
19 Israeli court.

20 Q. That's the reason he is -- his family
21 is receiving the allocation?

22 A. And, of course, because of the need of
23 the family, allocation -- of course, because of
24 the need of the family, the allocation are
25 dispensed because the family needs it and

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2 because there is no Social Security in
3 Palestine. So the allocation is dispensed for
4 the family and the children of the prisoner.

5 Q. Question: For other needy families in
6 Palestine that have children who do not have
7 enough money to live comfortably, are there
8 allocations given if they do not have a family
9 member in prison -- in an Israeli prison for the
10 crimes for political or security crimes?

11 MR. BERGER: Objection to the form.

12 It's outside the scope of the notice.

13 But the witness may answer to the
14 extent of his personal knowledge.

15 A. Yes. There is a program for Social
16 Security that concerns poor families who don't
17 have income. They live in poverty, and it's
18 between 100,000 to 120,000 families.

19 Q. You said there's no Social Security in
20 Palestine; is that correct?

21 A. Yes. It's not Social Security. It's
22 public assistance that is dispensed for poor
23 families from the Ministry of Finance. It's not
24 Social Security. It's like a sort of public
25 assistance.

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2 Q. If Mr. Abu Warda were not in prison,
3 would his family receive these allocations?

4 MR. BERGER: Object to the form of the
5 question. Hypothetical.

6 But you may answer if you have a view.

7 A. This allocation is an allocation paid
8 for his family because he's prisoned -- he's
9 present in prison on a political or a security
10 background.

11 MS. MAXMAN: Let's turn to --

12 Elizabeth, I need Tabs 12 and 13.

13 Q. So for the record, Tab 12 is
14 Bates-numbered JD 292 through 293.

15 And Tab 13 is Bates-numbered JD 1190
16 through JD 1214.

17 Do you have paper copies of those,
18 Mr. Salem?

19 A. Yes.

20 Q. First, let's look at JD --

21 MR. BERGER: He doesn't have the other
22 set. Only has 292.

23 MS. MAXMAN: Mr. Berger, if you're
24 speaking, I can't hear you.

25 MR. BERGER: I said he only has the

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2 paper set of the first Bates range you gave
3 him. We're trying to get the second Bates
4 range you gave him. 1190?

5 MS. MAXMAN: 1190 to 1214.

6 MR. BERGER: I believe he now has
7 that.

8 MS. MAXMAN: Okay. Thank you.

9 Q. I'll direct your attention to, first,
10 292293.

11 Am I correct that this is the
12 allocation payment for Hussam Abdul-Kader Ahmad
13 Halabi?

14 A. Yes, correct, according to the
15 attached documents.

16 Q. Okay. Now, turning your attention to
17 Bates number in Tab -- oh, I'm sorry.

18 MS. MAXMAN: Mr. Court Reporter, I
19 would like to mark Tab 12 as Exhibit 6.
20 Sorry. It's housekeeping. And Tab 13 as
21 Exhibit 7. I apologize.

22 (Prisoner salary statement, beginning
23 with Bates number JD 292-T, was marked
24 Salem Exhibit 6 for identification, as of
25 this date.)

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2 (Prisoner File for Hussam Abdul-Kader
3 Ahmad Halabi, Bates-numbered JD 1190-T to
4 1214-T, was marked Salem Exhibit 7 for
5 identification, as of this date.)

6 Q. So turning to Exhibit 7, I would
7 direct your attention to Bates number JD 1191.

8 A. Yes, ma'am. Yes.

9 Q. And am I correct that Mr. Halabi
10 received a life sentence?

11 A. Correct, according to the document.
12 Correct.

13 Q. Have you seen this document before,
14 sir?

15 A. Yes. I saw all the documents.

16 Q. And am I correct that this is the
17 prisoner file for Mr. Halabi?

18 A. Yes, correct.

19 Q. Now I would like to turn your
20 attention to Bates number JD 1201.

21 A. Yes.

22 Q. As I read this statement, it appears
23 that Mr. Halabi is single, correct?

24 A. Yes, correct.

25 Q. And the beneficiary of his allocation

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2 is the prisoner himself, correct?

3 A. Yes, correct.

4 Q. So am I correct that this allocation
5 to Mr. Halabi is not made for the benefit of
6 family outside prison that needs money to live
7 comfortably?

8 A. No. No.

9 Q. Why not?

10 A. No, because there is some prisoners
11 who has elderly parents who cannot go to the
12 bank to withdraw the money, and they give
13 authorization to withdraw the money and to use
14 it to live. So there are certain prisoners who
15 have -- his parents are elderly or he has
16 brothers or sisters who he's...

17 Q. But they're not indicated on the
18 statement.

19 THE INTERPRETER: I'm sorry, ma'am.

20 Can you repeat that.

21 Q. But they're not indicated on the
22 statement, correct?

23 A. Yes, correct. Because there are
24 certain times where their beneficiaries make
25 authorization to the prisoner himself, to the

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2 attorneys, or the money got transferred directly
3 to the account, and it's not necessary for the
4 names to be present in the documents. And,
5 these allocations, goes to the beneficiaries.
6 And the names are not stored in the prisoner's
7 alliance.

8 We have a -- (inaudible).

9 Never mind. Withdrawn.

10 MS. MAXMAN: Mr. Berger, I can't hear
11 you.

12 MR. BERGER: I said we had a question
13 about the translation, but it's been sorted
14 out. Thank you.

15 Q. Turning to Bates numbers -- turning to
16 Bates numbers 1205 through 1214.

17 Am I correct, you're looking at those
18 pages that are in Hebrew, correct?

19 A. These pages or documents are in Hebrew
20 language.

21 Q. And, therefore, am I correct to assume
22 that you cannot read them?

23 A. Yes. Correct. I cannot read it. I'm
24 only looking at the page number, 1205, 1206,
25 1207.

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2 Q. And, therefore, you do not know what
3 is in those pages, correct?

4 A. I don't know.

5 Q. Am I correct that you don't know --
6 you don't understand the substance of what is in
7 those pages?

8 MR. BERGER: Can I please have a
9 clarification whether the "you" in that
10 question is him personally or in general,
11 somebody in the defendant on whose behalf
12 he's testifying.

13 MS. MAXMAN: I mean -- I mean
14 Mr. Salem.

15 MR. BERGER: Okay.

16 A. It is supposed to be the indictment
17 list. Most of the -- of the pages that are in
18 Hebrew language are supposed to be either
19 indictment list or the sentence that is present
20 from the Israeli courts.

21 Based on the assurance of the
22 attorneys from the Prisoners Affairs.

23 Q. So we agree that you personally do not
24 have a full understanding of some of the pages
25 in this exhibit. Correct?

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2 A. No, this is not right.

3 Q. Let me ask it this way.

4 On what basis do you believe that
5 Mr. Halabi is receiving payments to support
6 other than himself?

7 A. There is authorization that say Halabi
8 can receive the salaries. Halabi was an
9 employee, and then he was in prison. And his
10 salary continued. But we don't have a copy of
11 the authorization in the file.

12 But the person who submitted the
13 request is the brother of the prisoner. His
14 name is Ghassan Abdul-Kader Ahmad Al-Halabi.

15 Q. How do you know that?

16 A. Document 1206.

17 MS. MAXMAN: Can we put 1206 up on the
18 screen, Elizabeth?

19 MS. BEZVERKHA: Yes. Would you like
20 the original or the translation?

21 MS. MAXMAN: Yes, the original,
22 please.

23 MS. BEZVERKHA: Okay.

24 MR. BERGER: Not 1206?

25 A. 01, 1201. It's 1201.

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2 MS. MAXMAN: Oh, 1201. I'm sorry,
3 Elizabeth.

4 Q. So I see, the --

5 A. The last paragraph shows the signature
6 of the person who submitted the request.

7 Q. How do we know that that is his
8 brother?

9 A. Because the prisoner's name is Hussam
10 Abdul-Kader Ahmad Al-Halabi, and this person is
11 Ghassan Abdul-Kader Ahmad Al-Halabi.

12 Q. So could it be his son or his father?

13 A. No.

14 Q. How do you know that?

15 A. The father's name, grandfather's name,
16 and the last name all match. Hussam Abdul-Kader
17 Ahmad Al-Halabi, Ghassan Abdul-Kader Ahmad
18 Al-Halabi.

19 Q. Are you -- sorry.

20 A. All the three last names matched. And
21 it is for that reason, it is his brother.

22 Q. Are you saying that his brother is the
23 beneficiary of his allocation?

24 A. No, this is not right.

25 It's just that his brother submitted

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2 the request for the allocations to continue,
3 because the prisoner is in prison. So the
4 brother submitted the request for the allocation
5 to continue.

6 Q. And he submitted a request for the
7 allocation to go to the prisoner himself,
8 correct?

9 A. The prisoner salary continued in
10 prison because he was employed, and his salaries
11 continued. And his brother submitted the
12 request, continued either to the bank account,
13 the one with authorization or -- the one with
14 authorization all those directed to the bank
15 account. The brother submitted the request to
16 renew the information for the allocations to be
17 continued to be dispensed to the same bank
18 account.

19 MR. BERGER: Objection. To the extent
20 information --

21 THE COURT REPORTER: Mr. Berger, I
22 can't hear you. I'm sorry.

23 MR. BERGER: I said we have an
24 objection to the translation. We believe
25 the last word was "salary" and not

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2 "allocation."

3 Q. Can you show me in these documents
4 where you learn that Mr. Halabi was an employee?

5 A. 1200.

6 MS. MAXMAN: Can we put that up on the
7 screen.

8 MS. BEZVERKHA: Yes. It's up.

9 Q. Can you show me where it says that. I
10 don't see it.

11 A. That number 4 it says, "Military
12 employee."

13 Q. Okay. Is that for the Palestinian
14 Authority?

15 A. According to the document, yes.

16 Q. I see that now. Thank you.

17 Is there any place on this document
18 that refers to his payment as a salary instead
19 of an allocation?

20 A. According to the laws and according to
21 the laws that is acted upon, if the prisoner was
22 a military employee, or an employee, his
23 salaries that he used to gain before
24 imprisonment will continue. His salaries will
25 continue in prison as if he was still working.

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2 Given the fact that his act should be based on
3 either political or security background.

4 Q. And that -- the reason for his
5 imprisonment is in the Israeli indictment, the
6 Hebrew indictment.

7 A. I assume that. And if it was not the
8 case, they wouldn't accept or take the file into
9 consideration.

10 Q. And it says on page 1191 that he has a
11 life sentence. You see that?

12 A. Sentence for life. Yes. 1191.

13 Q. So he will receive the salary for
14 life.

15 A. His family will receive the salary,
16 not the prisoner -- correct that. This money is
17 transferred to the account. But the
18 beneficiaries are his family. And it's for
19 life.

20 Q. But according to this, he's single and
21 doesn't have any children or wife.

22 A. But he has parents, and he has
23 responsibility to support his family. And if he
24 was out of prison, he would have had -- he would
25 have had a wife and children.

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2 Q. How do you -- how do you know his
3 parents are alive?

4 A. This definitely -- this will be making
5 sure of by the Prisoners Alliance. And other
6 than that, the money would not have been
7 transferred to the account.

8 This is what the Prisoners Alliance
9 assured me.

10 Q. When you say "Prisoners Alliance," do
11 you mean Prisoners Affairs?

12 THE INTERPRETER: Sorry. Prisoners
13 Affairs.

14 Q. Is it your testimony that Prisoners
15 Affairs would not continue to pay the salary if
16 he did not have a family to support?

17 A. Yes, definitely, and this is what they
18 assured me with.

19 Q. So Mr. Halabi is receiving his salary
20 because he is imprisoned by the Israeli
21 government. Correct?

22 A. He was in prison, and he was working
23 as an employee. And he was imprisoned because
24 of the Israel government.

25 Q. And the reason that he is in prison is

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2 because of the crimes described in the Hebrew
3 indictment. Correct?

4 A. Yes, correct.

5 Q. And so just to be clear, he is
6 receiving payment because he is in prison for
7 the charges described in the indictment?

8 MR. BERGER: Objection. Asked and
9 answered.

10 Q. You may answer, Mr. Salem.

11 A. According to the Israeli allegations,
12 according to the indictments from the Israeli
13 part.

14 Q. And that is why he is in prison,
15 because of the allegations in the indictment?

16 A. Yes. Correct.

17 Q. And he is receiving payments because
18 he's in prison.

19 MR. BERGER: (Inaudible.)

20 THE COURT REPORTER: Mr. Berger, I
21 could not hear you. I'm sorry.

22 MS. MAXMAN: Mr. Berger, I couldn't
23 hear a word you said.

24 MR. BERGER: I said, objection, asked
25 and answered, misstates his testimony.

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2 But you may answer again.

3 A. He receives payment because he was a
4 government employee, and his payments continued
5 while he was in prison. According to the
6 Palestinian law, if the prisoner was an employee
7 and receives payment, his payments will continue
8 in prison as long as he is on a political, for a
9 security act.

10 MS. MAXMAN: Let's take a quick,
11 five-minute comfort break.

12 THE VIDEOGRAPHER: We are now off the
13 record. The time is 12:34 UTC.

14 (A recess was taken from 12:34 to
15 12:46.)

16 THE VIDEOGRAPHER: We are back on the
17 record. The time is 12:46 UTC time.

18 Q. The next two exhibits I'm going to ask
19 you to look at, Mr. Salem, are Exhibits 8, which
20 is Bates Number 363 through 364, and then
21 Exhibit 9, which is Bates Number JD 1348 through
22 1367.

23 (Prisoner salary statement for
24 Mohammed Abdel-Basset Awda Haroub, Bates
25 Number 363 through 364, was marked Salem

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2 Exhibit 8 for identification, as of this
3 date.)

4 (File for Mohammed Abdel-Basset Awda
5 Haroub, Bates Number JD 1348 through 1367,
6 was marked Salem Exhibit 9 for
7 identification, as of this date.)

8 Q. Do you have those documents before
9 you, sir?

10 A. Yes.

11 Q. So, first, I'll turn your -- both of
12 these documents involve a prisoner named
13 Mohammed Abdel-Basset Awda Haroub.

14 Do you see that?

15 A. Yes, correct.

16 Q. And you've seen these before, correct?

17 A. Yes. I am the one who prepared them
18 in collaboration with the attorneys and the
19 assistants, yes.

20 Q. And Exhibit 8 is -- which is the 363
21 and 364, this is the salary statement, or
22 allocation statement, for Mr. Haroub. Correct?

23 A. Correct.

24 Q. And I'm going to ask you to turn to
25 page 364.

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2 This delineates statements from the
3 fourth month of 2020 to the fifth month of 2021,
4 correct?

5 A. Correct.

6 Q. And I'm going to turn your attention
7 to -- it appears between November of 2020 and
8 September of -- I'm sorry, November and December
9 of 2020, Mr. Haroub received an increase in his
10 allocation.

11 Do you see that?

12 THE INTERPRETER: Sure. I'll repeat
13 the question.

14 (The interpreter spoke to the
15 witness.)

16 A. Yes. The payments increases and
17 decreases depending on variables. This detainee
18 may have had some restrictions on his salaries
19 that were removed or he may have bank loans
20 which have been paid. So it usually varies, but
21 usually it doesn't increase that much.

22 Q. Am I correct, he's getting almost
23 double in 2021 what he got in 2020. Is that
24 correct?

25 A. One month was doubled only. And,

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2 again, I assure you that these are variables
3 that determined in the -- the Detainees Affairs.

4 Q. We don't know the reason why his pay
5 was increased?

6 A. Definitely there is a reason. But the
7 reason is not documented in the file, but there
8 should be a reason. Either paying off payments
9 or trying to solve payments which were not paid
10 for the detainee.

11 And after solving these things, they
12 don't keep them in the file. They are stored on
13 the CD.

14 Q. And the decision to increase a monthly
15 payment is made by Prisoners Affairs. Correct?

16 A. No. The agreement in the payment is
17 based according to the law, and it depends on
18 the duration that the prisoner spends in prison.

19 Q. Well, I'm going to turn your attention
20 to the second -- the Exhibit 9, 1348 to -67.

21 A. It's 1348?

22 Q. Yes.

23 A. Yes. This is 1348.

24 Q. Forgive me. I'm looking for one
25 thing, and I...

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2 Well, let's turn to page 1362.

3 The beneficiary for Mr. Haroub appears
4 to be Ataf Jamil Mahmoud Haroub.

5 A. Yes, Ataf Jamil Mahmoud Haroub.

6 Q. And that appears to be his mother. Is
7 that correct?

8 A. Yes, correct.

9 Q. And do you see here -- I can't
10 remember. You may not -- yeah.

11 On page 1356, which is in Hebrew, I'm
12 going to represent to you -- 1358. I beg your
13 pardon.

14 I'm going to represent to you that
15 this says that his sentence is life
16 imprisonment.

17 My question to you -- my question to
18 you is, you testified earlier that the amount of
19 payment depends on the length of time someone is
20 imprisoned, but for someone who is -- who is --
21 okay. On page 1350, in Arabic.

22 Why would a prisoner's payment almost
23 double from one year to the next, given that
24 he's always had a sentence of life imprisonment?

25 A. What's your question? Can you repeat

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2 the question.

3 Q. Yes. If we go back to document Bates
4 Number 364, before we turned to the other
5 documents, we were talking about the fact that
6 his payment went from 2,000 shekels a month in
7 2020 to over 4,000 and then 3950 shekels a month
8 in 2021. And I think you said the amount
9 depends on how long they're in prison for.

10 And my question is, why would somebody
11 who was sentenced to a life sentence have his
12 payments increase?

13 A. The payment doesn't double from one
14 year to another. It increases slightly. But in
15 regards to this prisoner that you refer to,
16 there may be a settlement in his file by the
17 Detainees Affairs. There may be payments that
18 was not paid, previously, that was paid.

19 And as I mentioned before, there is
20 two increment a year for clothes, for buying
21 clothes, that ranges from 500 to 1,000. It may
22 be not regular in the same month. But those two
23 increases, that happens each year for the
24 purpose of buying clothes.

25 MR. BERGER: Okay. We have an

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2 objection to the translation. The
3 translator left out an important part of
4 the witness's testimony. Happy to have him
5 give the answer again. But I can make a
6 representation on the record as to what was
7 omitted.

8 MS. MAXMAN: I'm fine if you make the
9 representation.

10 MR. BERGER: The witness stated, in
11 addition to the other things that were
12 translated, the payment depends upon the
13 actual duration of imprisonment, not amount
14 of the sentence up front.

15 Q. So the longer someone is in prison,
16 the more they are paid?

17 THE INTERPRETER: This is the
18 interpreter. Just to clarify that, I
19 didn't hear what you said, but I ask him
20 the question.

21 A. Definitely no.

22 Q. Do you know Mr. Haroub personally?

23 A. Do I know him personally?

24 Q. That's my question.

25 A. I don't know him personally.

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2 Q. Do you know Mr. Abu Warda personally?

3 A. No, I don't know him.

4 Q. Do you know Mr. Halabi, whom we talked
5 about just now?

6 A. I don't know them.

7 Q. Okay. Turning back to Mr. Haroub,
8 would you agree with me, if you look at
9 page 364, that the payments for 2020 were all
10 under 3,000, and most of them were 2,000?

11 A. Yes, as it appears in the document.

12 Q. And you have no reason to believe that
13 this document is incorrect, correct?

14 A. Definitely no.

15 Q. And in 2021, his payments are mostly
16 3950, and one payment is even 4350.

17 A. This is an evidence. And after
18 verification, it is that there is a settlement
19 on his allocations.

20 MR. BERGER: I think the word is
21 "setoff," not "settlement."

22 Q. But nothing in this document tells you
23 that.

24 A. There is no documentation that says
25 that, but this setoff happens when the salaries

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2 are paid.

3 Sorry. The allocations, not the

4 salaries.

5 Q. Mr. Haroub receives the allocations

6 because he's in prison, correct?

7 MR. BERGER: Objection. Asked and

8 answered. Misstates his prior testimony.

9 You may answer again.

10 A. Haroub's mother received the

11 allocations because Mohammed Haroub is in

12 prison.

13 Q. And I'll ask you to look through

14 Exhibit 9 at the Hebrew documents, which are

15 1365 through 1367.

16 I'm sorry. And also 1351 through

17 1358.

18 And am I correct that these Hebrew

19 documents are the documents you've described

20 before, the indictment and the records of the

21 Israeli court?

22 A. Yes, correct.

23 Q. And these describe the reasons for

24 which the Israeli government imprisoned

25 Mr. Haroub?

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2 A. As it's obvious, he was imprisoned
3 either on a security or a political background.
4 And it was certified and studied by the
5 attorneys and it's written in Arabic, that --

6 Q. Okay.

7 A. -- it was on a security background
8 from the Israeli court.

9 MR. BALOUL: Excuse me. This is
10 Gassan Baloul. We object to the
11 translation. Would you like the witness to
12 repeat the answer, or would you like me to
13 make the representation?

14 MS. MAXMAN: As you wish.

15 MR. BALOUL: You tell me.

16 MS. MAXMAN: Sure. Why don't you give
17 us your translation.

18 MR. BALOUL: Okay. The witness said,
19 from his discussion with the lawyers at the
20 Prisoners Affairs, they confirmed that this
21 document is -- identifies an offense that's
22 either a security or a political offense.
23 And as the -- it's written in Arabic. The
24 word "amne," means security. Therefore,
25 he's assured himself that this is a -- an

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2 offense that fits the description of the
3 law.

4 Q. So your answer to my question is that
5 these documents do describe the reason that
6 Mr. Haroub is in prison. For security reasons,
7 correct?

8 A. Definitely is correct.

9 Q. And Mr. Haroub is receiving payment
10 for being in prison for the reasons described in
11 Exhibit 9. Correct?

12 MR. BERGER: Again, we object to the
13 translation. The word "reward" was not
14 used.

15 THE INTERPRETER: I'm sorry. Can you
16 repeat that again.

17 MR. BERGER: I said, again, we object
18 to the translation. The word "reward" was
19 not used. It was a -- a payment, not
20 reward.

21 MR. BALOUL: Payment. The Arabic
22 translation translated "payment" into
23 "reward."

24 MS. MAXMAN: I don't see that on the
25 transcript.

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2 THE INTERPRETER: I didn't say

3 "reward."

4 MS. MAXMAN: If you're in agreement

5 that "reward" was not used -- and I did not

6 hear the translator say the word "reward,"

7 so -- and it's not on the transcript.

8 THE INTERPRETER: And just to

9 clarify --

10 MR. BERGER: Your question did not.

11 We agree your question did not. We are

12 objecting to the translation into Arabic of

13 your question.

14 MS. MAXMAN: Oh. I see.

15 Let me say the question again.

16 Q. Does Mr. Haroub -- strike that.

17 Am I correct that Mr. Haroub is

18 receiving payments for being in prison for the

19 reasons described in Exhibit 9?

20 MR. BERGER: Object to the form of the

21 question. Misstates his prior testimony.

22 A. No.

23 Q. Okay. We're in agreement that

24 Mr. Haroub's family, his mother, is receiving

25 payment, correct?

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2 A. Correct.

3 Q. And we're in agreement that he is
4 imprisoned for security reasons.

5 A. According to the Israeli indictment,
6 yes.

7 Q. And those -- and that's described in
8 these papers.

9 A. Yes, correct.

10 Q. And he is receiving payments because
11 he's in prison. By the government -- forgive
12 me. Let me correct that. I'm sorry.

13 His mother is receiving payment
14 because of his imprisonment. Correct?

15 MR. BERGER: Objection.

16 Go ahead. Sorry.

17 Object to the form of the question.

18 Misstates his prior testimony.

19 You may answer again.

20 A. The detainee's mother receives his
21 allocations because he's prison -- he's present
22 in prison.

23 Q. Thank you.

24 MS. MAXMAN: We're going to turn --
25 we're going to turn to the next exhibits,

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2 which are Tabs 18 and 19, Elizabeth.

3 And those Bates numbers are -- is

4 there a question?

5 THE INTERPRETER: Can you repeat the

6 pages again.

7 MS. MAXMAN: Yeah. Oh, sorry. I was

8 about to. Sorry.

9 So Bates Numbers 524 through 525,

10 Exhibit 10.

11 And Bates Numbers 1782 through 1804

12 will be Exhibit 11.

13 (Bates Numbers 524 through 525,

14 allocation statements and the prison

15 records for Yahia Muhamad Naif Abdullah

16 Hajj Hamad, were marked Salem Exhibit 10

17 for identification, as of this date.)

18 (Bates Numbers 1782 through 1804,

19 Bates Numbers 524 through 525, allocation

20 statements and the prison records for Yahia

21 Muhamad Naif Abdullah Hajj Hamad, were

22 marked Salem Exhibit 11 for identification,

23 as of this date.)

24 Q. And I'm going to represent to you that

25 these are the allocation statements and the

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2 prison records for Yahia Muhamad Naif Abdullah

3 Hajj Hamad.

4 You see those?

5 A. Yes, correct.

6 Q. I'm going to turn your attention to

7 page 525.

8 A. Yes, ma'am.

9 Q. Do you know Mr. Hamad personally, sir?

10 A. No, I don't know him.

11 Q. Am I correct that page 525 shows the
12 allocations to Mr. Hamad from April 2020 to May
13 of 2021?

14 A. The allocations?

15 Q. Yes.

16 A. Yes, correct.

17 Q. Have you seen this document before?

18 A. Yes. Correct.

19 Q. And similarly to what we just saw with
20 Mr. Haroub, Mr. Hamad was paid \$2,000 -- 2,000
21 shekels a month in -- for most of 2020, and then
22 his payments increased in 2021 to 3950 shekels.

23 You see that?

24 A. It didn't increase. It's allocation
25 setups, and there is a lot of variables that

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2 determines it. And this is guided in the
3 financial department in the Detainees Affairs.
4 That may go up or down.

5 Q. How do you know that?

6 A. Because I deal with salaries and
7 various factors that applies to the salaries.
8 The same applies to allocations. For example,
9 if a child reaches the age of majority, he is
10 removed from the allocation. If the mother
11 dies, her portion is taken away.

12 After speaking with the attorneys,
13 these types or inspection are done on a monthly
14 basis and sent to the Ministry of Finance to be
15 paid. These factors or variables are -- this is
16 what affects the allocations. And it may
17 increase or decrease.

18 Q. You'll agree here it's only increased.

19 A. I don't agree.

20 Q. Oh. I'm sorry.

21 A. In December it increased, and in
22 January it decreased again. And this indicates
23 it's not a normal increment.

24 Q. But you'll agree with me that for
25 February, March, April, and May, of 2021, he

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2 received, or his family received, 3,950 shekels;

3 whereas, for most of 2020, he received 2,000.

4 A. Yes, I agree with you, according to
5 the information in the documents, and these are
6 correct documents.

7 Q. And looking at page 1787, Mr. Hamad
8 has received a life sentence.

9 Do you see that?

10 And on page 1788, his authorized
11 beneficiary is his mother.

12 Do you see that?

13 A. Hiyam Jawbat Abdullah, correct.

14 Q. And further in this document, there
15 are pages in Hebrew, which presumably outline
16 the indictment or the reasons for his
17 imprisonment.

18 A. According to the issuance from the
19 attorneys in the Detainees Affair, they said his
20 imprisonment is based on the security
21 background, according to the indictment list by
22 the Israeli court.

23 Q. Okay. And so he's in prison; and,
24 therefore, he's receiving these allocations,
25 correct -- or his mother is receiving these

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2 allocations. Correct?

3 MR. BERGER: Object to the form of the
4 question. Misstates his testimony. But
5 you may answer.

6 A. Based on him being in prison,
7 according to the list of indictment, the
8 allocations are dispensed to his mother.

9 Q. Okay. Thanks.

10 Something else?

11 A. I'm sorry.

12 THE COURT REPORTER: I'm sorry. What
13 did you say?

14 A. The reason, it's stated that there
15 is -- the financial needs for the family because
16 of the detainee being in prison.

17 Q. Okay. We can take one more comfort
18 break. I'm almost done.

19 THE VIDEOGRAPHER: Okay. We are now
20 off the record. The time is 13:29 UTC
21 time.

22 (A recess was taken from 13:29 to
23 13:44.)

24 THE VIDEOGRAPHER: We are back on the
25 record. The time is 13:44 UTC time.

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2 MS. MAXMAN: Okay. Thank you. The
3 next exhibit that I'm going to be using
4 are, Elizabeth, Tab 20, 21, and 25.

5 Tab 20 is Bates-numbered 533 through
6 534. Tab 21 is 1857 through 1878. And
7 that's the original. And then the
8 translation of the indictment,
9 unfortunately, that -- into English, is in
10 a separate exhibit. It is in Tab 25.

11 Oh, let me correct that. I'm sorry.
12 Tab 21 is 1857 through 1886.

13 And then the translation of pages --
14 of the -- two more pages -- shoot.

15 1880 through -87, is Tab 25.

16 -86. Sorry.

17 And, Mr. Court Reporter, we are --
18 Bates Numbers 533 to 534 will be
19 Exhibit 12. Yes. Exhibit 12.

20 (Bates Numbers 533 to 534, Prisoner
21 File for Alaa Raed Saleh Zughayer, was
22 marked Salem Exhibit 12 for identification,
23 as of this date.)

24 MS. MAXMAN: And Exhibit 13 will be
25 1865 -- I'm sorry, 1857 through 1886.

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2 (Bates Numbers 1857 through 1886,
3 Prisoner File for Alaa Raed Saleh Zughayer,
4 was marked Salem Exhibit 13 for
5 identification, as of this date.)

6 MS. MAXMAN: And then Exhibit 14 will
7 be the translation of 1880 to 1886.

8 (Bates Numbers 1880 to 1886, Prisoner
9 File for Alaa Raed Saleh Zughayer, was
10 marked Salem Exhibit 14 for identification,
11 as of this date.)

12 Q. Can you -- do you have those in front
13 of you, Mr. Salem?

14 A. Yes. Correct.

15 Q. Okay. Great.

16 So, first, I'm going to turn you --
17 oh, and I'm going to represent to you that these
18 documents all have to do with a prisoner named
19 Alaa Raed Saleh Zughayer.

20 A. Correct.

21 Q. All right. Turning your attention to
22 page 534 of Exhibit 12.

23 It appears that Mr. Zughayer is
24 receiving 2,000 shekels a month except for the
25 two months where he gets a clothing additional

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2 allowance.

3 Have you seen this document before?

4 A. Yes. Definitely, I had the time to
5 look at these documents. During the phase of
6 preparation, I saw all the documents.

7 Q. Okay. And turning to Exhibit 13, and
8 to pages 1875 through 1878, I'm trying to see --
9 this does not seem to designate a beneficiary.
10 Do you see something that -- do you see
11 something that I'm missing?

12 Oh, wait. Sorry. I found it. On
13 page 1877, he's designated as his beneficiary
14 himself.

15 A. The prisoner himself, yes.

16 Q. Okay. And there doesn't appear to
17 be -- strike that.

18 When a prisoner designates himself as
19 the recipient, how does -- how does the money
20 transfer take place? Is it wired to his
21 account?

22 A. All the allocations are sent through
23 the banks.

24 Q. Okay. Now, on page --

25 MS. MAXMAN: I'm sorry. Forgive me.

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2 I'm having a problem reading the Bates
3 numbers these -- on some of these papers.
4 So just give me a minute. We're going to
5 have to pull them up online. The printouts
6 didn't give me the Bates.

7 Q. I'm looking at Bates Number 1861.

8 And it appears that Mr. Zughayer is
9 sentenced to -- sentence of 16 years, 5 months,
10 and 29 days.

11 Do you see that?

12 A. Yes, correct.

13 Q. Okay. And do you see, further in, on
14 Bates number -- well, it's the last couple pages
15 of the exhibit. Forgive me on the Bates
16 numbers.

17 But it's starting with page -- with
18 page 1852 through 1868. There's a Hebrew --
19 what appears to be the indictment.

20 A. Yes, correct.

21 Q. Am I correct that Mr. Zughayer is in
22 prison for security or political reasons?

23 THE INTERPRETER: I'm sorry. Just to
24 clarify.

25 (Interpreter spoke to the witness.)

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2 A. Definitely. The attorneys affirmed,
3 after reviewing the file and the list of
4 indictment presented from the court, that the
5 background for the imprisonment is either
6 political or security.

7 Q. And because of his imprisonment, he's
8 receiving the allocations listed on page 534.
9 Correct?

10 A. Because of his presence in prison and
11 also because this goes to his family. Even
12 though it's under his name, the beneficiary is
13 his family, because of their needs.

14 Q. How do you know that?

15 A. I know because most of the Palestinian
16 families, when their sons are in prison and stay
17 in prison, most of them are in need.

18 Q. But you don't know that for sure about
19 Mr. Zughayer, do you?

20 A. I'm sure because the family goes and
21 submit the documents and the application to
22 dispense the allocations when their son is in
23 prison. Otherwise, if they are not in need,
24 they don't go and submit the documents.

25 And most of the times, the Detainees

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2 Affairs make sure and certifies the needs,
3 because they have branches and multiple
4 locations.

5 Q. I don't see anywhere in Exhibit 13 the
6 name of any family member that submitted this.
7 Can you show me where you -- what you're
8 referring to.

9 A. There is a -- this document, or
10 request, is a form that was formed by one of the
11 family members. The name is not listed for the
12 person who filled it, but the directorate wrote
13 on it, "No objection." And this form is not
14 filled unless a member of the family goes and
15 fills it.

16 Q. How do you know that?

17 A. This form is usually the first thing
18 to be filled in the directorate, and its sent to
19 the Detainees Affairs. And usually this form is
20 filled either by a family member or a person who
21 knows them if the family member can't fill the
22 form.

23 Q. Without his imprisonment, pursuant to
24 the indictment, no allocation would be paid to
25 him, correct?

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2 A. If he was not in prison and his family
3 is in need, there is another program of
4 assistance. They dispense assistance through a
5 public assistance program. So if he was not in
6 prison, they will get allocations or assistance.

7 Q. But he, Mr. Zughayer -- I can't
8 pronounce his name -- Zughayer is indeed
9 receiving payments because he's in prison for
10 the reasons listed in the indictment.

11 MR. BERGER: Objection. Form,
12 misstates his testimony. You may answer.

13 A. Mr. Zughayer receives the allocations
14 because of him being in prison based on the
15 indictment list from the Israeli part. And the
16 attorneys and the Detainees Affairs affirmed
17 that it's dispensed because the family is in
18 need.

19 Q. On page 1865 -- which is in Hebrew,
20 unfortunately, so I know you can't read it --
21 I'm going to represent to you, from an English
22 translation that I have that's included for your
23 attorney's benefit on Exhibit 25 -- I'm sorry,
24 on Tab 25, which is Exhibit -- no, no. Oh, I'm
25 sorry.

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2 In Tab 21, that's included on 1865T.

3 In his final remarks, the defendant
4 expressed regret for his actions, said that he
5 was sorry for them, and even added that he had
6 not understood the immensity of the actions in
7 which he had taken part.

8 Does that apology to the Israeli court
9 impact in any way the payments that he receives?

10 MR. BERGER: Objection. Lacks
11 foundation.

12 But you may answer.

13 A. This apology, if it's present, which I
14 cannot see from the Israeli court, doesn't
15 affect the allocation, because the amount
16 depends on the actual number of years spent in
17 prison, the actual amount of years that the
18 detainee spends in prison.

19 Q. So the Palestinian Authority's
20 Prisoners Affairs Department would not take into
21 account the fact that a prisoner that they are
22 paying expressed remorse for his actions.

23 A. The Detainees Affairs and the
24 attorneys affirmed to me that the -- there is --
25 no statement, I don't see the statement. And

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2 they depend on deciding the allocation on the
3 actual amount of years the detainee spend in
4 prison. He has to be in prison, and the family
5 has to be in need. And the background should be
6 either political or on a security background.

7 And the allocation is given to the
8 detainee's family. Family receives the
9 allocation and doesn't affect the prisoner,
10 other than him being in prison.

11 Q. Well, this says -- these documents
12 that we just looked at said that the allocation
13 was paid to the prisoner.

14 In fact -- and, in fact, there's no
15 reference to any family member in any of these
16 documents.

17 A. The attorneys affirmed to me that the
18 family is sent in need -- and even though the
19 authorization is not present, the money or the
20 allocation goes to the family that is in need
21 to --

22 Q. So you're -- go ahead.

23 A. -- to withdraw with and use it,
24 whether directly or indirectly, even if the
25 authorization from the detainee is not present.

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2 Q. Where did your attorney get this
3 information?

4 A. The attorneys or the Detainees Affairs
5 has offices in all cities of the country, and
6 they have employees who inspect and make sure
7 and -- of the information.

8 Q. I'm going to go back to Exhibit 3,
9 that we marked yesterday.

10 And this is the law, the Palestinian
11 law, that we spoke about yesterday that governs
12 payments to prisoners.

13 Do you see that?

14 A. This law. Yes. This is for the
15 detainees.

16 Q. Is there anything, any provision in
17 this law, that conditions the availability of
18 allocations or salary in respect of a person
19 imprisoned in Israel for security or political
20 offenses on the neediness of the prisoner's
21 family members?

22 MR. BERGER: Objection to form. Calls
23 for a legal conclusion; and to the extent
24 it doesn't, the document speaks for itself.

25 Q. You may answer.

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2 A. All the -- the purpose of the law for
3 detainees and freed is to help the families of
4 the detainees, on a security background.

5 Q. How do you know that that's the
6 purpose of the law, if it's not written in the
7 document?

8 A. This is the policy of the government,
9 to secure the living for the families of the
10 detainees who are detained on security
11 background, especially that there is a great
12 need from these families and to secure a decent
13 living for them.

14 Q. Are you aware of any provision of
15 Palestinian law that documents this policy?

16 A. So if you look at the -- if you see
17 the provision of the law, it states, "To secure
18 a decent living for the family and secure for
19 the detainee and the family a decent life."

20 And I cannot see the print because
21 it's very small. If you can enlarge. But all
22 the -- the purpose of all the provisions is to
23 secure decent living standards.

24 Yes.

25 (Witness continued speaking.)

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2 Q. But --

3 A. Yes.

4 MS. MAXMAN: What did he say?

5 A. If you look at it, one the provisions
6 said, "To try to provide the financial support
7 for the prisoner, the detainee, and his family."
8 If the detainee wants to further his education
9 in prison, he can, but special emphasis is on
10 family to help them and to secure a decent
11 living for them and to help them to live in
12 dignity and --

13 MR. BERGER: Translation.

14 A. And provision 2, it says the detainees
15 and the freed detainees are -- a portion which
16 cannot be separated from the consistency of the
17 Arabic Palestinian community. And the
18 provisions of this law secures a decent living
19 for them and their families.

20 Q. Does the Prisoners Affairs -- does
21 Prisoners Affairs collect financial information
22 from the families?

23 A. As the attorneys indicated, yes, they
24 collect real and accurate information for the
25 need of these families, of the detainees'

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2 families.

3 Q. Are any of the documents that you've
4 produced to us -- do any of the documents that
5 you've produced to us include any of the
6 financial information about the condition of the
7 families?

8 A. The attorneys affirmed to me that this
9 is the way they make sure about it. And the
10 family, when they submit an application for
11 allocations, they are in need of the financial
12 assistance or for the allocation because of
13 their son being in prison.

14 And, of course, the same documents
15 that you have we have, and we supplied you with
16 all the documents that we have. And there is no
17 information that is not submitted and present in
18 the documents. Everything was submitted.

19 Q. Okay. We have reviewed everything you
20 gave us. And there is no documentation in
21 anything you gave us about the financial
22 condition of the families.

23 MR. BERGER: Okay. There's no
24 question pending.

25 MS. MAXMAN: Okay.

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2 Q. Can you point me to any of -- anything
3 we've missed? Is there any document that you've
4 submitted to us that talks about the financial
5 conditions of the families?

6 A. I don't have any documents in front of
7 me that is not submitted to you. You have all
8 the documents that I have, and these information
9 has been affirmed by the Detainees Affairs and
10 the attorneys.

11 Q. Are you aware of --

12 MR. BERGER: Before you ask the
13 next -- excuse me. Before you take your --
14 ask your next question, we need to take a
15 short break. The witness is getting very
16 tired.

17 MS. MAXMAN: Okay.

18 MR. BERGER: Five minutes?

19 MS. MAXMAN: Fine.

20 THE VIDEOGRAPHER: Okay. We are now
21 off the record. The time is 14:24 UTC
22 time.

23 (A recess was taken from 14:24 to
24 14:33.)

25 THE VIDEOGRAPHER: We are back on the

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2 record. The time is 14:33 UTC time.

3 Q. Mr. Salem, I'm going to direct your
4 attention to -- on Exhibit 13, pages 1875
5 through 1878.

6 Can you tell me what this document is?

7 A. This document is the information for
8 the prisoner.

9 Q. And this is a four-page -- a four-page
10 document that is an official Palestinian
11 Authority document, correct?

12 A. This is a form that is filled, in the
13 directories, in the subdirectories.

14 Q. It's a preprinted form, correct?

15 A. Yes, it's a printed form.

16 Q. And it's created by the Palestinian
17 Authority, correct?

18 A. The -- it's created by the Detainees
19 Affairs or the subdirectorates.

20 Q. Of the Palestinian Authority?

21 A. Yes, correct.

22 Q. Okay. And what is the purpose of this
23 form? Why is this form created?

24 A. The purpose of the creation of this
25 form is to submit it to the -- the purpose of

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2 this form is to be submitted to the Detainees
3 and Freed Affairs. It includes individual
4 information about the detainee: the name, the
5 identification number. And included with this
6 form, definitely there is the Red Cross document
7 and any identification document from -- for the
8 detainee to be sent to the Detainees Affairs to
9 be inspected.

10 Q. And if a prisoner is seeking
11 compensation of any type, whether continued
12 salary or allocation, he must fill out or have
13 someone fill out this form.

14 A. The ones who is filling this form is
15 the family of the detainee, because they -- the
16 detainee is in prison. And the family is the
17 ones who submits the information to receive the
18 allocation.

19 Q. If this form is not submitted, would a
20 prisoner be -- or his family -- be entitled to
21 any compensation?

22 A. If the family does not submit a
23 request to receive the allocations, the
24 allocations will not be dispensed.

25 Q. And this is the form on which they

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2 must make the request, correct?

3 A. This form is included with the list of
4 indictment, if it's present, or the certificate
5 from the Red Cross. And it will be submitted
6 all to the Detainees Affairs. And when it is
7 submitted, this means that the family is in need
8 of these allocations.

9 Q. And without this form -- if this form
10 is not submitted, no allocations will be made.

11 Am I correct?

12 A. Definitely, yes.

13 Q. Okay. Let's look at this form. On
14 page 1875, it asks for personal information on
15 the prisoner.

16 Do you see that? Or ex-prisoner.

17 A. Yes. It's a prisoner. It includes
18 information regarding -- regarding detainee.

19 Q. Okay. And let's -- and that includes,
20 for example, religion, marital status, refugee
21 status, education.

22 A. Yes.

23 Q. And then turning to the next page,
24 1876, it asks for more information about the
25 prisoner; am I right?

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2 A. Yes, more information.

3 Q. And that includes information about
4 his arrest and also if he has any illnesses?

5 A. Yes, correct.

6 Q. And then turning over to page 1877, it
7 asks for information concerning the
8 beneficiaries of the prisoner's allowance.

9 A. Correct.

10 Q. And then on page 1878, it asks for his
11 employment or his advisor's information, and
12 then asks for documents to be attached.

13 You see that?

14 A. Yes, I see it.

15 Q. And those documents are -- include
16 that -- they ask for include the prisoner's ID,
17 the indictment, bank account card, children's
18 birth certificates, copies of education
19 certificates, and other things. Additional
20 wife, or wives, verdict decision, marriage
21 certificate.

22 A. Yes. It's asking, yeah, for a lot of
23 documents and information.

24 Q. And this information -- this document,
25 the personal information form, is the same or

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2 similar to the ones that we've seen in the other
3 prisoners' files we've looked at over the last
4 two days; am I right?

5 A. Most likely, it's similar. It's a
6 list of personal information about the detainee
7 asking about the information, but the most
8 important document is the indictment.

9 Q. And in this document that we've just
10 looked at, this does not ask for any financial
11 information about the prisoner's family; am I
12 correct?

13 MR. BERGER: Objection to the form.

14 Misstates the document.

15 But you may answer.

16 A. As long as the families of the
17 detainee goes and submits the form to the
18 Detainees Affairs office -- or their one of
19 their offices, this means that the family is in
20 it, even though it's not listed on this form.

21 Q. But the Palestinian Authority form
22 never asks for documentation evidencing the
23 family's need.

24 MR. BERGER: Same objection.

25 Misstates the document.

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2 You may answer.

3 A. I affirmed you again. As long as the
4 family goes and submits the papers to the
5 Detainees Affairs, they are in need of the
6 allocation. And the attorneys and the Detainees
7 Affairs affirm to me that most of these families
8 are in great need of this allocation.

9 And for the second time, I mention to
10 you and affirm to you that these documents are
11 examined and inspected at the end of each month
12 to make sure that there is no duplication with
13 the salaries and that the family is in need.

14 And in addition, and also, we examine
15 it with the allocations for the public
16 assistance or community assistance. If they
17 receive public assistance, the -- this
18 allocation will not be dispensed.

19 Q. Are you aware of any instance in which
20 a family applied for allocations and was denied
21 because they did not have sufficient financial
22 need?

23 A. There was tens of applications that
24 gets declined, from my information and the
25 information that was submitted to me from the

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2 Detainees Affairs.

3 THE COURT REPORTER: Mr. Interpreter,
4 excuse me. Was that "tens" of
5 applications? Or "tons" of applications?
6 "Tens"?

7 THE INTERPRETER: Tens. Tens.

8 THE COURT REPORTER: Thank you.

9 THE INTERPRETER: You're welcome.

10 Q. So you are aware of applications that
11 are denied or declined because the family
12 doesn't have sufficient need.

13 A. I know of cases that gets denied for
14 multiple reasons. And the documents get
15 inspected in the general directorate and the IT
16 unit. And if they find that the family receives
17 allocations or income from other places, or
18 public assistance, the -- the application gets
19 denied, from our part.

20 Q. Are there records of these denials?

21 A. This is dealt with in the Ministry of
22 Finance, and they freeze the payment unless
23 proven otherwise.

24 Q. Do you have -- you're an employee at
25 the Ministry of Finance, correct?

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2 A. I'm the general director of the
3 salaries in the Ministry of Finance.

4 Q. Do you, yourself, have access to
5 documents evidencing the denial or freeze of
6 payments because a family has too much wealth?

7 A. I don't have document to freeze. But
8 I told you before that if there is documents to
9 prove that there is double payment from other
10 governmental entity that they are receiving, the
11 allocations will stop.

12 And these documents that were
13 submitted to you has all the information that we
14 have and the Detainees Affairs has.

15 MR. BERGER: I'm going to, by the way,
16 object. We've been out -- we've been
17 outside the scope of any of the two
18 30(b)(6) topics for a while now, but we've
19 given you some leeway. But you might want
20 to move back to one of your topics.

21 MS. MAXMAN: I'm moving on.

22 Q. I know that you are unable to read the
23 Hebrew indictment.

24 But I'm going to represent to you that
25 in this Exhibit 13, Mr. Zughayer pleaded guilty

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2 to killing a -- shooting an Israeli and -- with
3 five bullets to his body and another to his head
4 and caused injury to the other car's occupants,
5 his father's wife and his two children.

6 Is that considered a crime of
7 political or security nature?

8 A. First of all, we have a list of
9 indictment that comes, and the attorneys
10 translate this list of indictment that is based
11 on the Israeli accusations to determine whether
12 this is on a security or a political background.

13 Q. But Mr. Zughayer, in this case,
14 pleaded guilty. He did not even -- he did not
15 oppose the charges.

16 So he -- he accepted the Israeli
17 accusations. He agreed with them. Is that a
18 security -- and he apologized for them.

19 Okay.

20 MR. BERGER: Is there a question
21 pending?

22 MS. MAXMAN: Yeah. I'm about to ask
23 it.

24 Q. Is the -- is pleading guilty to murder
25 a crime of a security or political nature?

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2 MR. BERGER: This has been asked and
3 answered several times.

4 But you may answer it again.

5 So I object to the form.

6 A. I'm sorry?

7 Q. You may answer.

8 A. I didn't understand the question
9 fully.

10 Q. Okay. Mr. Zughayer pleaded guilty to
11 murder and apologized for it. Is that
12 considered by the Prisoners Affairs Department a
13 crime of security or political nature?

14 MR. BERGER: Objection to form as --
15 I'm sorry. Go ahead. Translate it.

16 (Interpreter interpreted the
17 question.)

18 MR. BERGER: Hold on. Object to the
19 form. Asked and answered, on multiple
20 times.

21 You may answer it again.

22 A. Ma'am, I don't know the circumstances
23 in which the detainee spoke or the detainee
24 apologized. And I don't know the situation.
25 But the standards that was agreed on by the

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2 Detainees Affairs, that it's either a political
3 or a security act.

4 DIR Q. In fact, all the prisoners' files we
5 looked at over the last two days involved the
6 murder of innocent people. Are those considered
7 political or security acts?

8 MR. BERGER: Okay. Now we're wasting
9 everybody's time. That's argumentative.

10 I instruct with the witness not to
11 answer.

12 You may ask about specific offenses,
13 in keeping with Judge Freeman's guidance
14 yesterday.

15 A. I won't answer the question.

16 Q. You recall we talked, first, about
17 Mr. -- I'm sorry. Got the wrong...

18 You will recall yesterday and earlier
19 this morning we talked about Mr. Abu Warda.

20 Do you recall that?

21 A. Yes.

22 Q. Mr. Abu Warda pleaded guilty to
23 recruiting suicide bombers to kill 24 innocent
24 people and injure another 36. Is that a crime
25 that is political or security in nature?

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2 MR. BERGER: Object to the form of the
3 question. It's argumentative in terms of
4 how the predicate was loaded up.

5 But you may answer the question.

6 A. As I mentioned to you previously, the
7 only standard, or criteria, we go by is the list
8 of indictment that comes from the Israeli part,
9 and this list of indictment will be inspected by
10 the Detainees Affairs.

11 And we don't know the circumstances
12 under which it -- the accusation happened. And
13 after inspecting it, it will be classified
14 whether it is political or security. And if it
15 is, the allocation will be dispensed as long as
16 the detainee is still in prison.

17 Q. And so for Mr. Abu Warda and also
18 Mr. Zughayer, I take it -- we agree that
19 allocations were made.

20 A. No. I agree that the allocation was
21 dispensed for the families, as long as the
22 detainees are still in prison.

23 Q. Okay. But in Mr. Zughayer's -- in
24 Mr. Zughayer's case and in Mr. Abu Warda's case,
25 both allocations were made.

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2 A. Again, I emphasize it was paid for the
3 families.

4 Q. I'm not asking about who the
5 allocations were made to. I'm asking, were the
6 allocations made? It's a yes or no.

7 A. Yes. It was paid. Yes.

8 Q. Okay. And they were -- both of those
9 were deemed security or political crimes.
10 Correct?

11 A. The acts were classified either as
12 political or security, by the specialized
13 attorneys.

14 Q. Therefore, these murders of
15 noncombatants are deemed political or security
16 by these specialized attorneys. Correct?

17 MR. BERGER: Objection. Cumulative
18 and argumentative. It's been asked and
19 answered many times. You can argue with
20 the witness all you want to, but that's not
21 a real question.

22 Q. You may answer.

23 A. These are accusations by the Israeli
24 court that we don't agree with, and it is acts
25 that are classified as security or political.

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2 Anti-occupation.

3 MS. MAXMAN: Okay. I'm -- I think I'm
4 almost done. Can we just take a break so I
5 can go through my notes, and I'll come
6 back.

7 MR. BERGER: Yes. So long as we're
8 done by 6:30, to which we agreed, that's
9 fine. Take as long as you like.

10 MS. MAXMAN: Okay. Thank you.

11 THE VIDEOGRAPHER: Okay. We are now
12 off the record. The time is 15:11 UTC
13 time.

14 (A recess was taken from 15:11 to
15 15:16.)

16 THE VIDEOGRAPHER: We are back on the
17 record. The time is 15:16, UTC time.

18 Q. Mr. Salem, you testified earlier today
19 that one of the factors considered in the
20 Prisoners -- by the Prisoners Affairs Department
21 in determining whether a prisoner's family is
22 eligible for allocations is the financial needs
23 of the prisoner's family. Correct?

24 A. One of these reasons.

25 Q. That it is one of the factors. Yes.

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2 And the answer to my question is "yes"?

3 A. Yes.

4 Q. To your knowledge, has this always
5 been the policy of the Prisoners Affairs
6 Department, to take the financial need of the
7 family into account?

8 MR. BERGER: Object to the form of the
9 question. Outside the relevant timeframe.

10 Q. You may answer.

11 A. This is one of the factors. But the
12 first factor is for the detainee to be present
13 in the Israeli prison. The second factor is for
14 the act to be either political or a security.
15 And the third factor is the financial need of
16 the family.

17 Q. My question to you is, turning to that
18 third factor only, the financial need of the
19 family, has that always been the policy of the
20 Prisoners Affairs Department?

21 MR. BERGER: Object to the form of the
22 question. Not only is it outside the
23 relevant timeframe, but it exceeds the
24 limitation that Judge Vyskocil imposed that
25 anything that doesn't relate to the

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2 predicates of the statute is off limits, as
3 she warned counsel on April 29, 2021.

4 You may answer this question again,
5 but that's the last time.

6 A. I affirmed to you before, and I affirm
7 now, that this is one of the major or primary
8 factors that was mentioned to me by the
9 Detainees Affairs. And for my information, that
10 one of the important factors in the
11 determination is the financial need for the
12 detainee's family.

13 Q. Has that always been so?

14 MR. BERGER: That's it. We are --
15 counsel, can you make a representation how
16 this relates to the jurisdictional
17 predicates at that are the sole subject of
18 this deposition? Because if you cannot
19 make such a representation, I'm going to
20 instruct the witness not to answer,
21 consistent with Judge Vyskocil's April 29,
22 2021, order.

23 MS. MAXMAN: The reasons for the
24 payment are expressly listed as a 30(b)(6)
25 question in both numbers 2 and 3 of our

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2 30(b)(6) notice. And we explained this to
3 Judge Freeman yesterday, and she had no
4 problem with that.

5 So I'm asking for the reasons for the
6 payment. The reasons for the payments are
7 obviously relevant, even if these reasons
8 predate April 18, 2020. And the reason I'm
9 asking is, I'm entitled to ask whether the
10 reasons are -- have been the same
11 throughout this witness's experience or
12 have they changed.

13 If I can get an answer to that
14 question, I'm done. But he has not
15 answered whether or not this reason has
16 changed or has always been the same.

17 MR. BERGER: That's an entirely
18 different question than the one you asked
19 before. And I'm glad you added at the last
20 minute that the topic to which you're
21 referring expressly refers to reasons for
22 payments made after April 18, 2020.

23 Your question is and has been, "Has
24 that always been the case?" I'm pretty
25 sure that "always" is not on and after

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2 April 18, 2020.

3 But with that said, I'm going to let
4 the witness answer this question.

5 THE INTERPRETER: This is the
6 interpreter. Do you want me to read the
7 question again or ask --

8 MS. MAXMAN: All right. Here, I will
9 restate the question.

10 Q. Has it always been the case that one
11 of the reasons -- one of the factors that the
12 Prisoners Affairs Department takes into account
13 is the family's financial need?

14 MR. BERGER: Subject to my previously
15 stated objection, you may answer after it's
16 translated.

17 A. The standards has not changed. And
18 that's the family goes and submits this form to
19 one of the directorates. They submit the form.

20 To receive the allocation, there is
21 the three main criteria that applies to dispense
22 the allocation. And the purpose for the
23 allocation, as I informed you before, is to
24 secure a decent living for the families.

25 MS. MAXMAN: That's all I have. Thank

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2 you.

3 MR. BERGER: Thank you.

4 We designate this deposition as
5 confidential, pursuant to paragraph 6 of
6 the protective order in this action.

7 THE VIDEOGRAPHER: Okay. Does
8 everyone agree to go off?

9 MR. BERGER: We're complete. Let's go
10 off the record.

11 THE VIDEOGRAPHER: We are now off the
12 record. The time is 15:25 UTC time. This
13 concludes today's deposition. Thank you,
14 everyone, and take care.

15 (Time noted: 15:25 UTC.)

16

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22

ABDEL JABBAR SALEM

23

Subscribed and sworn to before me

24

this day of 2021.

25

July 28, 2021

C E R T I F I C A T E

STATE OF NEW YORK)
) Ss.:
COUNTY OF NEW YORK)

I JEFFREY BENZ, a Certified Realtime Reporter, Registered Merit Reporter and Notary Public within and for the State of New York, do hereby certify:

That ABDEL JABBAR SALEM, the witness whose examination is hereinbefore set forth, was duly sworn by me and that this transcript of such examination is a true record of the testimony given by such witness.

I further certify that I am not related to any of the parties to this action by blood or marriage; and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 30th of July, 2021.



JEFFREY BENZ, CRR, RMR

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1 Errata Sheet

2

3 NAME OF CASE: SHABTAI SCOTT SHATSKY -against- PALESTINIAN LIBERATION ORGANIZATION

4 DATE OF DEPOSITION: 07/28/2021

5 NAME OF WITNESS: Abdel Jabbar Salem

6 Reason Codes:

7 1. To clarify the record.

8 2. To conform to the facts.

9 3. To correct transcription errors.

10 Page ____ Line ____ Reason ____

11 From _____ to _____

12 Page ____ Line ____ Reason ____

13 From _____ to _____

14 Page ____ Line ____ Reason ____

15 From _____ to _____

16 Page ____ Line ____ Reason ____

17 From _____ to _____

18 Page ____ Line ____ Reason ____

19 From _____ to _____

20 Page ____ Line ____ Reason ____

21 From _____ to _____

22 Page ____ Line ____ Reason ____

23 From _____ to _____

24

25

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